

## **2009 DRAFTING REQUEST**

### **Assembly Amendment (AA-ASA1-AB75)**

Received: **06/11/2009**

Received By: **tdodge**

Wanted: **As time permits**

Identical to LRB:

For: **Daniel LeMahieu (608) 266-9175**

By/Representing: **Jeff**

This file may be shown to any legislator: **NO**

Drafter: **tdodge**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.LeMahieu@legis.wisconsin.gov**

Carbon copy (CC:) to:

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#### **Pre Topic:**

No specific pre topic given

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#### **Topic:**

Prohibit moneys from hospital assessment from being disbursed to hospitals and affiliates that perform late term abortions

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#### **Instructions:**

See attached. Same as b0087/1, which was AA28 to SB62.

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#### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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			06/11/2009	_____	06/11/2009	06/11/2009	

FE Sent For:

**<END>**

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See attached. Same as b0087/1, which was AA28 to SB62.

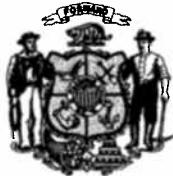
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/?	tdodge	11/11 6/14	P/H	MD SF			

FE Sent For:

<END>  
CJH



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBb0957  
TJD:...  
JF  
RMNR

In: 6/11/09

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

**ASSEMBLY AMENDMENT ,**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 2009 ASSEMBLY BILL 75**

D-note

✓

1 At the locations indicated, amend the substitute amendment as follows:

2       1. Page 317, line 5: after that line insert:

3       “**SECTION 363g.** 20.435 (4) (w) of the statutes, as affected by 2009 Wisconsin Act  
4 is amended to read:

5       20.435 (4) (w) *Medical Assistance trust fund. From Subject to s. 50.38 (10), from*  
6 the Medical Assistance trust fund, biennially, the amounts in the schedule for  
7 meeting costs of medical assistance administered under ss. 46.27, 46.275 (5), 46.278  
8 (6), 46.283 (5), 46.284 (5), 49.45, and 49.472 (6), for refunds under s. 50.38 (6) (a), and  
9 for administrative costs associated with augmenting the amount of federal moneys  
10 received under 42 CFR 433.51.”.

**History:** 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g);

1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2; s. 13.92 (2) (i).

1           **2. Page 608, line 13: after that line insert:**

2           **“SECTION 1289p. 49.45 (3) (e) 11. of the statutes, as created by 2009 Wisconsin**

3           **Act 2, is amended to read:**

4           **49.45 (3) (e) 11.** The department shall use a portion of the moneys collected  
5           under s. 50.38, subject to s. 50.38 (10), to pay for services provided by eligible  
6           hospitals, as defined in s. 50.38 (1), under the Medical Assistance Program under this  
7           subchapter, including services reimbursed on a fee-for-service basis and services  
8           provided under a managed care system. For state fiscal year 2008-09, total  
9           payments under this subdivision, including both the federal and state share of  
10          Medical Assistance, shall equal the amount collected under s. 50.38 (2) for fiscal year  
11          2008-09 divided by 57.75 percent. For each state fiscal year after state fiscal year  
12          2008-09, total payments under this subdivision, including both the federal and state  
13          share of Medical Assistance, shall equal the amount collected under s. 50.38 (2) for  
14          the fiscal year divided by 61.68 percent.

**History:** 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2.

15           **SECTION 1289r. 49.45 (5m) (am) of the statutes, as affected by 2009 Wisconsin**

16           **Act 2, is amended to read:**

17           **49.45 (5m) (am)** Notwithstanding sub. (3) (e) and subject to s. 50.38 (10), from  
18           the appropriation accounts under s. 20.435 (4) (b), (o), (w) and (xc), the department  
19           shall distribute not more than \$5,000,000 in each fiscal year, to provide  
20           supplemental funds to rural hospitals that, as determined by the department, have

1       high utilization of inpatient services by patients whose care is provided from  
2       governmental sources, except that the department may not distribute funds to a  
3       rural hospital to the extent that the distribution would exceed any limitation under  
4       42 USC 1396b (i) (3).

~~NOTE: NOTE: Par. (am) is shown as amended eff. 7-1-09 by 2009 Wis. Act 2. Prior to 7-1-09 it reads:NOTE:~~

~~5       (am) Notwithstanding sub. (3) (e), from the appropriation accounts under s. 20.435 (4) (b), (gp), (o), and (w), the department shall distribute not more than \$2,356,000  
6       in each fiscal year, to provide supplemental funds to rural hospitals that, as determined by the department, have high utilization of inpatient services by patients whose  
7       care is provided from governmental sources, and to provide supplemental funds to critical access hospitals, except that the department may not distribute funds to a  
8       rural hospital or to a critical access hospital to the extent that the distribution would exceed any limitation under 42 USC 1396b (i) (3).~~

~~History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s.  
28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to  
854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120,  
176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6;  
1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107,  
112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457;  
1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to  
1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2.~~

9       **SECTION 1289t. 49.45 (5r) of the statutes, as created by 2009 Wisconsin Act 2,**

10      is amended to read:

11      **49.45 (5r) SUPPLEMENTAL FUNDING FOR UNCOMPENSATED CARE.** Notwithstanding  
12      sub. (3) (e) ~~and subject to s. 50.38 (10)~~, from the appropriation account under s. 20.435  
13      (4) (w), the department shall distribute \$3,000,000 in each fiscal year to the  
14      University of Wisconsin Hospital and Clinics for care that is not otherwise  
15      compensated, except that the department may not make payments that exceed  
16      limitations based on customary charges under 42 USC 1396b (i) (3).".

~~NOTE: NOTE: Sub. (5r) is created eff. 7-1-09 by 2009 Wis. Act 2.NOTE:~~

~~History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s.  
28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to  
854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120,  
176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6;  
1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107,  
112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457;  
1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to  
1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2.~~

17      **3. Page 610, line 2: after that line insert:**

18      **"SECTION 1294f. 49.45 (6y) (ap) of the statutes, as created by 2009 Wisconsin  
19      Act 2, is amended to read:**

20      **49.45 (6y) (ap) Notwithstanding sub. (3) (e) ~~and subject to s. 50.38 (10)~~, from  
21      the appropriation accounts under s. 20.435 (4) (o) and (xc), the department shall  
22      distribute not more than \$8,000,000 in each fiscal year as supplemental payments**

1 to hospitals that satisfy the criteria established by the American College of Surgeons  
2 for classification as a Level I adult trauma center, except that the department may  
3 not make payments that exceed limitations based on customary charges under 42  
4 USC 1396b (i) (3).

NOTE: NOTE: Par. (ap) is created eff. 7-1-09 by 2009 Wis. Act 2. NOTE:

**History:** 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2.

5 **SECTION 1294g. 49.45 (6y) (ar) of the statutes, as created by 2009 Wisconsin**

6 Act 2, is amended to read:

7       **49.45 (6y) (ar) Notwithstanding sub. (3) (e) and subject to s. 50.38 (10), the**  
8       **department may, from the appropriation account under s. 20.435 (4) (xc), make**  
9       **supplemental payments to hospitals based on hospital performance, in accordance**  
10      **with a payment methodology developed by the department, except that the**  
11      **department may not make payments that exceed limitations based on customary**  
12      **charges under 42 USC 1396b (i) (3).".**

NOTE: NOTE: Par. (ar) is created eff. 7-1-09 by 2009 Wis. Act 2. NOTE:

**History:** 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2.

13      **4. Page 621, line 12: after that line insert:**

14       **"SECTION 1317p. 49.45 (59) (a) of the statutes, as created by 2009 Wisconsin**

15      Act 2, is amended to read:

16       **49.45 (59) (a) The Subject to s. 50.38 (10), the department shall, from the**  
17      **appropriation account under s. 20.435 (4) (xc), pay each health maintenance**  
18      **organization with which it contracts to provide medical assistance a monthly amount**

1 that the health maintenance organization shall use to make payments to hospitals  
2 under par. (b).”.

**History:** 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340, 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2.

3           **5.** Page 652, line 10: after that line insert:

**“SECTION 1419k.** 50.38 (10) of the statutes is created to read:

**6.** Page 1891, line 11: after that line insert:

"(14) PROHIBIT PAYMENTS TO HOSPITALS PERFORMING LATE-TERM ABORTIONS. The treatment of sections 20.435 (4) (w) and 49.45 (3) (e) 11., (5m) (am), (5r), (6y) (ap) (6y) and (ar), and (59) (a) of the statutes and section 50.38 (10) of the statutes, as created by this act, takes effect on July 1, 2009, or on the day after publication, whichever is later."

11 (END)

D-note

*Insert*

**2009 – 2010 LEGISLATURE**

LRBb0087/1  
TJD:jld&kjf:md

**ASSEMBLY AMENDMENT 28,  
TO 2009 SENATE BILL 62**

February 18, 2009 – Offered by Representative LEMAHIEU.

1 At the locations indicated, amend the bill as follows:

- 2      1. Page 19, line 1: delete "From" and substitute "From Subject to s. 50.38 (10),  
3      from".
- 4      2. Page 27, line 24: after "under s. 50.38" insert ", subject to s. 50.38 (10),".
- 5      3. Page 28, line 10: after "sub. (3) (e)" insert "and subject to s. 50.38 (10)".
- 6      4. Page 28, line 21: after "sub. (3) (e)" insert "and subject to s. 50.38 (10)".
- 7      5. Page 30, line 18: after "sub. (3) (e)" insert "and subject to s. 50.38 (10)".
- 8      6. Page 31, line 1: after "sub. (3) (e)" insert "and subject to s. 50.38 (10)".
- 9      7. Page 32, line 18: delete "The" and substitute "Subject to s. 50.38 (10) the".
- 10      8. Page 39, line 16, after that line insert:  
11      (10) (a) The department shall ensure that none of the following moneys are  
12      disbursed to a hospital, as defined in s. 50.33 (2), or clinic that performs or to a

*Insert*  
5-5

1        hospital or clinic affiliated with a health care provider, as defined in s. 146.81 (1), that  
2        performs abortions, as defined in s. 253.10 (2) (a), in the 2nd or 3rd trimester of  
3        pregnancy or both, except as provided in par. (b):

4 (am)      1. Moneys that are collected under sub. (2) and expended under s. 49.45 (3) (e)  
5                  11., (5m), (5r), (6y) (ap) or (ar), or (59) (a).

6                  2. Moneys that are collected under sub. (2) and refunded under sub. (6).  
7                  3. Moneys that are collected under sub. (2), transferred under sub. (8), and  
8        expended from the Medical Assistance trust fund.

9                  (b) Paragraph (a) does not apply if a 2nd or 3rd trimester abortion performed  
10        by the hospital or clinic or by the health care provider affiliated with the hospital or  
11        clinic is performed in any of the following situations:

12                1. The pregnancy resulted from sexual assault or incest, the physician certifies  
13        that the pregnancy resulted from sexual assault or incest, and if the crime is reported  
14        to the law enforcement authorities.

15                2. The abortion is performed to save the life of the woman or is medically  
16        necessary to prevent grave, long-lasting physical health damage to the woman and  
17        the physician certifies that the abortion is medically necessary to save the life of the  
18        woman or to prevent grave, long-lasting physical health damage to the woman.”.

19

(END)

*if the crime is reported*  
*sexual assault*  
*or incest*

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0957/3dn

TJD:

gf

(  
Date

To Representative LeMahieu:

X Please note that I delayed the effective date for this amendment until July 1, 2009, because many of the provisions affected by this amendment do not go into effect until that date.

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0957/1dn  
TJD:kjf:ph

June 11, 2009

To Representative LeMahieu:

Please note that I delayed the effective date for this amendment until July 1, 2009, because many of the provisions affected by this amendment do not go into effect until that date.

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